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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,370

01/05/2001

Linlin Xing

0084-0221P

3522

2292

7590

11/12/2002

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EXAMINER

HESS, BRUCE H

ART UNIT

PAPER NUMBER

1774

9

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-9

Office Action Summary

Application No.

09/754,370

Applicant(s)

Xing et al.

Examiner

Bruce Hess

Group Art Unit

1774

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8-16-02 (election)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) 3-5, 13, 14 and 17-25 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 6-12, 15 and 16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interv w Summary, PTO-413
- ☐ Notice of Inf mral Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1774

1. The restriction/election requirement of Paper No. 6 is adhered to and made final for the reasons of record. Claims 1, 2, 6-12, 15 and 16 read on the elected embodiments.
2. Claims 15 and 16 are rejected under 35 USC 112 (second paragraph) as being indefinite. How does the extrusion of a single ink-receptive layer result in the formation of "multiple ink- receptive layers"?
3. Claims 1, 2 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Robeson et al U.S. P. 5,349,000).

Claims 1, 2 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Davis et al (U.S.P. 4,436,789).

These patents teach methods of forming films extruded on a substrate. The film comprises a hot-melt extrudable mixture of polyvinyl alcohol and poly (2 ethyl-2-oxazoline) (see Robeson et al. at column 3, lines 21 and 27-30 and Davis et al. at page 4, lines 14, 15 and 43). The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicants' claims patentable in the absence of unexpected results.



Examiner Hess/ng

November 5, 2002

BRUCE H. HESS
PRIMARY EXAMINER